

PROPOSED CONSTITUTIONAL AMENDMENTS

H.J.R. 80, § 1

accordance with this section and applicable law, the attorney general shall approve them, and, after payment by the purchasers of the obligations in accordance with the terms of sale and after execution and delivery of the related credit agreements, the obligations and related credit agreements are incontestable for any cause.

(h) Obligations and credit agreements issued or executed under the authority of this section may not be included in the computation required by Section 49-j, Article III, of this constitution, except that if money has been dedicated to the fund without specification of its source or the authority granted by Subsection (f) of this section has been implemented, the obligations and credit agreements shall be included to the extent the comptroller projects that general funds of the state, if any, will be required to pay amounts due on or on account of the obligations and credit agreements.

(i) The collection and deposit of the amounts required by this section, applicable law, and contract to be applied to the payment of obligations and credit agreements issued, executed, and secured under the authority of this section may be enforced by mandamus against the commission, the department, and the comptroller in a district court of Travis County, and the sovereign immunity of the state is waived for that purpose.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 8, 2005. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment creating the Texas rail relocation and improvement fund and authorizing grants of money and issuance of obligations for financing the relocation, rehabilitation, and expansion of rail facilities."

Passed by the House on April 25, 2005: Yeas 107, Nays 24, 1 present, not voting;
passed by the Senate on May 25, 2005: Yeas 31, Nays 0.

Filed with the Secretary of State June 6, 2005.

H.J.R. No. 79

A JOINT RESOLUTION

proposing a constitutional amendment authorizing the legislature to provide for a six-year term for a board member of a regional mobility authority.

BE IT RESOLVED BY THE Legislature of the State of Texas:

SECTION 1. Section 30, Article XVI, Texas Constitution, is amended by adding Subsection (e) to read as follows:

(e) The Legislature by general law may provide that members of the board of a regional mobility authority serve terms not to exceed six years, with no more than one-third of the members of the board to be appointed every two years.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 8, 2005. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment authorizing the legislature to provide for a six-year term for a board member of a regional mobility authority."

Passed by the House on May 11, 2005: Yeas 124, Nays 11, 3 present, not voting;
passed by the Senate on May 25, 2005: Yeas 30, Nays 1.

Filed with the Secretary of State May 27, 2005.

H.J.R. No. 80

A JOINT RESOLUTION

proposing a constitutional amendment clarifying that certain economic development programs do not constitute a debt.

BE IT RESOLVED BY THE Legislature of the State of Texas:

SECTION 1. Section 52-a, Article III, Texas Constitution, is amended to read as follows:

Sec. 52-a. Notwithstanding any other provision of this constitution, the legislature may provide for the creation of programs and the making of loans and grants of public money, other than money otherwise dedicated by this constitution to use for a different purpose, for the public purposes of development and diversification of the economy of the state, the elimination of unemployment or underemployment in the state, the stimulation of agricultural innovation, the fostering of the growth of enterprises based on agriculture, or the development or expansion of transportation or commerce in the state. Any bonds or other obligations of a county, municipality, or other political subdivision of the state that are issued for the purpose of making loans or grants in connection with a program authorized by the legislature under this section and that are payable from ad valorem taxes must be approved by a vote of the majority of the registered voters of the county, municipality, or political subdivision voting on the issue. *A program created or a loan or grant made as provided by this section that is not secured by a pledge of ad valorem taxes or financed by the issuance of any bonds or other obligations payable from ad valorem taxes of the political subdivision does not constitute or create a debt for the purpose of any provision of this constitution.* An enabling law enacted by the legislature in anticipation of the adoption of this amendment is not void because of its anticipatory character.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 8, 2005. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment clarifying that certain economic development programs do not constitute a debt."

Passed by the House on May 4, 2005: Yeas 121, Nays 12, 1 present, not voting; the House refused to concur in Senate amendments to H.J.R. No. 80 on May 27, 2005, and requested the appointment of a conference committee to consider the differences between the two houses; the House adopted the conference committee report on H.J.R. No. 80 on May 29, 2005: Yeas 135, Nays 7, 1 present, not voting; passed by the Senate, with amendments, on May 24, 2005: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; the Senate adopted the conference committee report on H.J.R. No. 80 on May 29, 2005: Yeas 31, Nays 0.

Filed with the Secretary of State June 6, 2005.

H.J.R. No. 87

A JOINT RESOLUTION

proposing a constitutional amendment relating to the membership of the State Commission on Judicial Conduct.

BE IT RESOLVED BY THE Legislature of the State of Texas:

SECTION 1. Sections 1-a(2) and (5), Article V, Texas Constitution, are amended to read as follows:

(2) The State Commission on Judicial Conduct consists of *thirteen (13)* ~~[eleven (11)]~~ members, to wit: (i) one (1) Justice of a Court of Appeals; (ii) one (1) District Judge; (iii) two (2) members of the State Bar, who have respectively practiced as such for over ten (10) consecutive years next preceding their selection; *(iv) five (5)* ~~[(iii) four (4)]~~ citizens, at least thirty (30) years of age, not licensed to practice law nor holding any salaried public office or employment; (v) one (1) Justice of the Peace; (vi) one (1) Judge of a Municipal Court; ~~[and,]~~ (vii) one (1) Judge of a County Court at Law; *and (viii) one (1) Judge of a Constitutional County Court;* provided that no person shall be or remain a member of the Commission, who does not maintain physical residence within this State, ~~[or who resides in, or holds a judgeship within or for, the same Supreme Judicial District as another member of the Commission,]~~ or who shall have ceased to retain the qualifications above specified for *that person's [his] respective class of membership, and provided that a Commissioner of class (i), (ii), (iii), (vii), or (viii) may not* ~~[except that the Justice of the Peace and the Judges of a Municipal Court and or a County Court at Law shall be selected at large without regard to whether they]~~ reside or hold a judgeship in the same court of appeals